

UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. MJ07-5192

v.

DETENTION ORDER

MARQUIS MOON,

Defendant.

THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds as follows:

(1) No condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community. This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

(2) No less restrictive condition or combination of conditions will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community, including but not limited to those conditions set forth in 18 U.S.C. § 3142(c)(1)(B).

(3) Detention (for purpose of safety and flight) is presumed, without adequate rebuttal, pursuant to 18 U.S.C. § 3142(e) (if noted as applicable below):

- () Conviction of a Federal offense involving a crime of violence or Federal crime of terrorism. 18 U.S.C. §3142(f)(1)(A)
- () Potential maximum sentence of life imprisonment or death. 18 U.S.C. §3142(f)(1)(B)
- () Convictions of two or more offenses described in subparagraphs (A) through (C) of 18 U.S.C. §3142(f)(1) of two or more State or local offenses that would have been offenses described in said subparagraphs if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses. 18 U.S.C. §3142(f)(1)(D)
- (x) Any felony not otherwise a crime of violence that involves a minor victim; possession or use of a firearm, destructive device, or any other dangerous weapon; or failure to register under 18 U.S.C. §2250. 18 U.S.C. §3142(f)(1)(E)

Safety Reasons:

- () Defendant is currently on probation/supervision resulting from a prior offense.
- () Defendant was on bond on other charges at time of alleged occurrences herein.
- (x) Defendant's prior criminal history - including prior convictions for obstruction, unlawful possession of a firearm, drug conviction, and two counts of robbery.
- (x) The offense alleged involved minor girls.

Flight Risk/Appearance Reasons:

- () Defendant's lack of sufficient ties to the community.
- () Failures to appear for past court proceedings.
- (X) Defendant's attempts to avoid apprehension and lying to police officers once stopped and then after his true identity was made known after he was arrested. This is also a 10 year mandatory minimum sentence. In addition, conflicting information was provided to the pre-trial services officer between the defendant and his father.

Order of Detention

- ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
- ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.
- ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding.

June 27, 2008.

/s/Karen L. Strombom
Karen L Strombom, U.S. Magistrate Judge